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May 14, 2021

VIA ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: Emily Penzo v. Consolidated Edison Company of New York, Inc.,
1:19-cv-07478-MKV

Dear Judge Vyskocil,

As you know, I was retained on March 25, 2021¹, by Plaintiff Emily Penzo to represent her in the above referenced matter, and write to request permission to re-open discovery so that I may request outstanding documents which I believe may be necessary to establish the discrimination my client suffered at the hands of Defendant.

On April 1, 2021, your Honor granted Plaintiff's request for an extension of time to file the pre-motion letter and the Local Rule 56.1 statement, and extended said time to May 18, 2021

¹ I was retained while I was out of the contiguous United States, and preparing to celebrate Passover and was not back until the second week of April. Additionally, it took some time to coordinate receipt of the voluminous physical files in this matter.



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[ECF No. 60]. Your Honor further ordered that a Post-Discovery Telephonic Conference would be held on June 8, 2021, at 10:30 AM.

While I had originally planned to submit the joint letter on the 18th of May with defense counsel, after significant efforts to get up to speed with this matter, along with several settlement discussions with defense counsel, it became clear to me, I need the missing information. At this time, I feel it appropriate to respectfully request a re-opening of Discovery in order to secure some documents previously requested and not provided. Such documents include but are not limited to emails located on my client's work computer which are in Defendant's custody and control, and other documents which I believe relate to and would substantiate my client's claims.

I have discussed this matter with Mr. Levin who does not oppose my request to re-open discovery.

Respectfully submitted,

Yifat V. Schnur
Attorney for Plaintiff

Cc: All Counsel via ECF

Plaintiff's request to reopen discovery is DENIED. The post-discovery conference scheduled for June 8, 2021, at 10:30 AM will proceed as scheduled. The parties should be prepared to address at the post-discovery conference whether previously timely requested discovery remains outstanding.

In light of the religious holiday, the deadline for the parties to submit their joint letter and any pre-motion letters, including Rule 56.1 Statements, is extended to May 20, 2021. The deadline for responses to pre-motion letters, including 56.1 Counter-Statements, remains May 28, 2021. [See ECF No. 60.]

The Clerk of Court is respectfully requested to terminate docket entries 58 and 61. SO ORDERED.

Date: 5/17/2021
New York, New York

Mary Kay Vyskocil
United States District Judge

Penzo v. Con Ed
Request to re-open discovery

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